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August 2, 2012

SENSITIVE

E. Mark Braden
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Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Attention: Daniel Petalas
Associate General Counsel for Enforcement

MUR # 6622

Re: Complaint

Dear Sir:

Enclosed with this letter is a signed, sworn to and notarized complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (Act). The attached document recites facts that show specific violations of the Act and provides identification of named individuals who may have committed violations. The complaint provides the Federal Election Commission (Commission) with details regarding these violations. Violations include failure to comply with disclaimer requirements on messages authorized and/or financed by a candidate¹, failure to disclose expenditures of coordinated communications² and other possible violations of the Act. The contact information and evidence included in the complaint should be of assistance to the Commission in its investigation.

If you should have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



E. Mark Braden

Attachments: Original and 3 copies

¹ 11 CFR 110.11(b)(1); 11 CFR 110.11(b)(2).

² 11 CFR 109.21; 11 CFR 109.23; 11 CFR 109.3(a) and (b).

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Paul F. Weldon

Farmington Hills, MI 48334

2012 AUG -2 P.10:25

OFFICE OF THE GENERAL COUNSEL

Office of the General Counsel
Federal Election Commission
999 E St., N.W.
Washington, DC 20543

August 1, 2012

RE: Kerry Bentivolio for US Congress

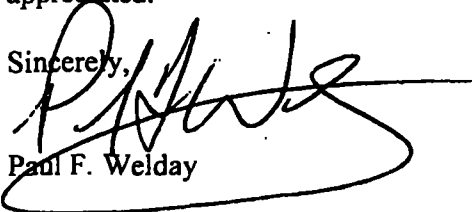
MUR# 6623

To whom it may concern:

Enclosed please find an official request for inquiry by the Federal Elections Commission of the accumulated reports to the FEC by the principal campaign committee of Kerry Bentivolio. Mr. Bentivolio is a candidate for the U.S. House of Representatives in Michigan's Eleventh Congressional District.

The attached complaint documents numerous irregularities in the campaign finance statements of the Kerry Bentivolio for US Congress committee and provides supporting detail. Given the timing of the election process in Michigan your prompt attention to this matter would be most appreciated.

Sincerely,


Paul F. Weldon

Enclosure

100-470000-1000

**Office of General Counsel
Federal Election Commission
999 E Street N.W.
Washington, DC 30163**

Complainant:

Paul Welday

Farmington Hill, MI 48334

Phone:

Email:

INTRODUCTION

The principal campaign committee of Kerry Bentivolio – Kerry Bentivolio for US Congress (the “Committee”) – has filed with the Federal Election Commission (“FEC”) reports with numerous errors and omissions. Some errors are blatant; others are more nuanced and indicate that the Committee has failed to make certain required disclosures. All of the Committee’s filings to date have been filed in connection with a congressional special primary election to be held in the State of Michigan.

I am the former Chairman of the Oakland County Republican Party. I have reviewed the Committee’s campaign disclosure reports and am submitting this complaint alleging that there occurred violations of the Federal Election Campaign Act of 1971, as amended (the “Act”) relating to Michigan’s upcoming 2012 congressional primary election.

BACKGROUND

The Primary Election and the Committee

On August 7, 2012, the State of Michigan is holding a special primary election in connection with electing a representative of the 11th Congressional District. Among the Republican candidates is Kerry Bentivolio.

Exhibit A: 2012 Official Michigan Primary Candidate Listing.

Source: http://miboecfr.nictusa.com/election/candlist/12PRI/12PRI_CL.HTM.

Mr. Bentivolio’s campaign committee filed its Statement of Organization on October 11, 2011. Source: FEC Image Index for Committee, <http://images.nictusa.com/cgi-bin/fecimg/?C00504035>. According to the Statement of Organization, Mr. Bentivolio is the Treasurer of the Committee. Robert Dindoffer is designated as the Committee’s Assistant Treasurer, and Fifth Third Bank is listed as the Committee’s bank. No subsequent updated or revised Statement of Organization has been filed with the FEC.

Since its inception, the Committee has filed seven reports with the FEC. Source: FEC Image Index for Committee, <http://images.nictusa.com/cgi-bin/fecimg/?C00504035>. Two of the reports are the Committee’s quarterly report for the first quarter of 2012, filed on April 13, 2012 (“Q1 Report”), and a subsequent amended version of the report filed on July 15, 2012 (“Amended Q1 Report”). Also filed on July 15, 2012, is the Committee’s quarterly report for the second quarter of 2012 (“Q2 Report”), followed by an amended version of the report on July 18, 2012 (“Amended Q2 Report”). The Committee filed its pre-primary report on July 26, 2012 (“Primary Report”). The other two reports are 48-hour notices of contributions received within 20 days of an election, filed on July 23 and July 26, 2012, respectively (“48-Hour Notices”).

The Reporting Errors and Omissions

The errors and omissions evident from the Committee's reports are numerous. They include, but may not be limited to, the following:

- **Reports not signed by the Treasurer of the Committee.** All seven of the Committee's reports to the FEC are signed Deborah (or Debbie) Llewellyn. One of the 48-Hour Notices is signed by "Llewellyn Deboard," but it appears to be a typographical error. According to the Committee's Statement of Organization, the candidate himself, Kerry Bentivolio, and not Deborah Llewellyn, is the Committee's Treasurer. Source: Statement of Organization, p. 3, line 8.¹ Mr. Bentivolio did not sign any of the Reports. Nor did the Committee's Assistant Treasurer, Robert Dindoffer. Deborah Llewellyn is not mentioned anywhere in the Statement of Organization and it is not known what role or authority, if any, she has with respect to the Committee.
- **Unjustified payments to candidate totaling \$100,000.** Twice the Committee has paid \$50,000 to Mr. Bentivolio without providing a justification for the payment. The first was on March 5, 2012, and the second was on July 5, 2012. Source: Amended April Quarterly Report, p. 4, line 10 and Schedule B; Pre-Preliminary Report, Schedule B. There is no apparent justification for either payment. As to the payment in March 2012, although the Amended Q1 report shows that Mr. Bentivolio loaned personal funds to the Committee totaling \$58,228.13, the \$50,000 payment is not identified as a loan repayment. Rather, it is listed under "Other Disbursements." Source: Amended April Quarterly Report, pp. 3-4 and Schedule C. Furthermore, the Committee's stated outstanding debt remained \$58,113.13, which accounts for the sum total of all loans made to the Committee by Mr. Bentivolio (or otherwise) and does not reflect any reduction by virtue of a loan repayment. If the \$50,000 payment actually was a loan repayment, then the Committee should have listed its outstanding debt as \$8,113.13. Similarly, as to the payment in July 2012, although Mr. Bentivolio previously had made loans of personal funds to the Committee, the Primary Report (a) does not show any debt owing to Mr. Bentivolio and (b) does not identify the \$50,000 payment as being for the repayment of loans. Source: Pre-Primary Report, p. 4, line 19(a), p. 2, line 10, and Schedule D. Rather, the report identifies the payment as a contribution refund. Source: Pre-Primary Report, p. 2, line 6(b). While possible, this is unusual given that there is no limitation on a candidate's ability to contribute to his own campaign committee.
- **Excessive contributions.** Three individual contributors and one multi-candidate PAC contributed more than is permissible under the Act. The Act limits individual contributions to \$2,500 and multi-candidate PAC contributions to \$5,000. The excessive contributions are as follows:

¹ All Committee reports referenced herein were pulled from the FEC's website, at FEC Image Index for Committee, <http://images.nictusa.com/cgi-bin/fecimg/?C00504035>.

Contributor	Total Contributed	Amount Over Limit
Robert Dindoffer	\$3,000 ²	\$500
Kristin Lee	\$5,000	\$2,500
Young Americans for Liberty PAC	\$5,250 /	\$250

According to campaign reports filed to date, none of these excessive contribution amounts have been refunded by the Committee.

- **Disappearing bank loan.** The original Q1 Report lists Fifth Third Bank as having loaned (and contributed) \$57,000 to the Committee on January 11, 2012. Source: April Quarterly Report, Schedule C. No loan documents were attached to the Q1 Report. The Committee later filed its Amended Q1 Report. The loan is not disclosed anywhere in the amended report. There is no evidence that the loan was repaid, or that the loan was re-disclosed in some other way (e.g., as a personal loan by the bank to Mr. Bentivolio, who then gave some or all of the money to the Committee, which would be disclosed on Schedule C-1).
- **Disappearing debt.** Committee debts and obligations that existed at the end of the first quarter cease to exist as of the close of the second quarter without any indication that the Committee repaid or otherwise satisfied the loans. According to the Amended Q1 Report, Mr. Bentivolio twice loaned money to the Committee for a total debt outstanding of \$58,113.13. Source: Amended April Quarterly Report, p. 2, line 10. This outstanding debt is not reported anywhere in the Amended Q2 Report. The entirety of the \$65,000 in debt disclosed in that report is made up of new, additional loans of personal funds that Mr. Bentivolio made to the Committee on June 19, June 25, and June 30, 2012. Source: Amended April Quarterly Report, p. 2, line 10 and Schedule C. Further, the Amended Q2 Report reports that no loan repayments were made, to the candidate, Mr. Bentivolio, or otherwise. Source: Amended April Quarterly Report, p. 4, line 19(c).
- **Double-dipping and inflation of total receipts.** There is evidence indicating that the Committee may have double-counted certain monies given to the Committee by Mr. Bentivolio. The following chart summarizes Mr. Bentivolio's personal loans and contributions, with the relevant transactions in red:

Candidate Contribution and Loans		
Date	Amount	Type
1/26/2012	\$19,730.00	Contribution
1/26/2012	\$19,730.00	Loan

² Robert Dindoffer contributed \$5,500, but the Committee refunded him \$2,500, so he ultimately contributed \$3,000. Source: Amended July Quarterly Report, Schedules A and B.

1/27/2012	\$38,383.13	Contribution
1/30/2012	\$38,383.13	Loan
3/5/2012	\$115.00	Contribution
6/19/2012	\$5,000	Loan
6/25/2012	\$10,000	Contribution
6/25/2012	\$10,000	Loan
6/30/2012	\$50,000	Loan

Source: Amended April Quarterly Report, Schedules A and C; Amended July Quarterly Report, Schedules A and C. In all three instances, the *exact same transaction amount* shows up once as a candidate contribution and once as a loan of personal funds. This is particularly remarkable for the transactions valued of \$19,730 and \$38,383.13. Further, in two of the three instances, the contribution and loan transactions are on the exact same date, and even in the one instance where they are on different dates, the transactions are very close in time. Finally, of note is the fact that the value of final loan listed – \$50,000 on June 30, 2012 – is equal to the mysterious payment of \$50,000 to Mr. Bentivolio on March 5, 2012. These disclosures suggest that Mr. Bentivolio was making a “loan” to his campaign in order to repay the money that he took from it back in March 2012.

- ***Failure to carry over and account for cash on hand.*** The Amended Q1 Report discloses \$67,100.41 for cash on hand at the end of the first quarter reporting period. Source: Amended April Quarterly Report, p. 2, line 8. The Amended Q2 Report shows zero cash on hand at the beginning of the second quarter reporting period. Source: Amended July Quarterly Report, p. 4, line 23. These numbers should be the same and they are not. This error affects the Committee’s bottom line. The Committee made the same error on its Primary Report. Source: Pre-Primary Report, p. 4, line 23.
- ***No cumulative “Election Cycle-to-Date” disclosures.*** In both the Q2 Report and the Amended Q2 Report, the Committee does not accurately disclose the cumulative amounts of receipts and disbursements for the election cycle to date. Instead, the reports duplicate the non-cumulative second quarter information already being disclosed. Source: July Quarterly Report and Amended July Quarterly Report.

There may be other errors and omissions in addition to those identified herein.

CONCLUSION

The Complainant requests an expedited FEC investigation to determine all of the ways in which the Committee’s reports violate the Act and to execute the appropriate fine(s) for violating the Act.

Witnessed by: Paul Welday
Former Chairman
Oakland County Republican Party

Barbara Watson

Barbara Tillinger, Notary Public
State of Michigan, County of Oakland
My Commission Expires 2/28/2014
Acting in the County of Oakland